



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

August 7, 2002

Dr. Jeff Koenings  
Director  
Washington Dept. of Fish and Wildlife  
600 Capitol Way N  
Olympia, Washington 98501-1091

RECEIVED

AUG 9 2002

Dear Dr. Koenings:

WDFW  
OFFICE OF THE DIRECTOR

On June 25, 2002, NOAA Fisheries announced the results of a year-long status review of Southern Resident killer whales (*Orcinus orca*) in which the agency concluded that these whales do not warrant listing under the Endangered Species Act (ESA) but may warrant classification as a depleted stock under the Marine Mammal Protection Act (MMPA). Earlier this month NOAA Fisheries published these findings in two concurrent *Federal Register* notices (enclosed) and will soon complete a NOAA Technical Report of the ESA review which we will forward to you as soon as possible.

Let me thank you for the Washington Department of Fish and Wildlife's (WDFW) comments sent to Dr. Peggy Krahn on the preliminary assessment of the NOAA Biological Review Team (BRT) that was sent for your review in late February. The BRT benefitted from the synopsis provided by WDFW's Harriet Allen and Steve Jeffries at the March 25, 2002, comanager meeting. Copies of your March 29, 2002, followup letter were distributed to members of the BRT for their consideration prior to concluding the ESA status review.

As described in the MMPA notice, NOAA Fisheries is currently soliciting information and comment on the related issue of whether the eastern North Pacific Southern Resident stock of killer whales should be classified as depleted. The comment period ends August 30, 2002, after which the agency will review the comments and publish a proposed rule if warranted. I expect that we will have a 1-2 month comment period on that proposal prior to moving to a final decision late this year. I invite you to apprise us of your thoughts on this matter and to provide NOAA scientists with any information regarding the stock's current and historical abundance to determine whether these whales warrant a depleted designation under the MMPA. I am also interested in your thoughts about how best to approach conservation planning for this stock of killer whales given that WDFW is currently considering it for listing under state law.

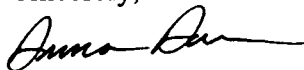



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I look forward to working with you to continue protecting these magnificent whales. Please contact me or Garth Griffin of my staff at 503/231-2005 if you have any questions or would like to discuss this issue further.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Robert Lohn", written in a cursive style.

 D. Robert Lohn  
Regional Administrator

cc: H. Allen, S. Jeffries (WDFW)